

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 57th LEGISLATURE - REGULAR SESSION JOINT APPROPRIATIONS SUBCOMMITTEE ON CORRECTIONS AND PUBLIC SAFETY**

**Call to Order:** By **CHAIRMAN STANLEY FISHER**, on January 9, 2001 at 8:00 A.M., in Room 317-A Capitol.

#### **ROLL CALL**

**Members Present:**

Rep. Stanley Fisher, Chairman (R)  
Sen. Arnie Mohl, Vice Chairman (R)  
Rep. Tim Callahan (D)  
Sen. Chris Christiaens (D)  
Rep. Jeff Pattison (R)  
Sen. Debbie Shea (D)  
Sen. Tom Zook (R)

**Members Excused:** None.

**Members Absent:** None.

**Staff Present:** Mary LaFond, OBPP  
Lorene Thorson, Legislative Branch  
Sandra Whitaker, Committee Secretary

**Please Note:** These are summary minutes. Testimony and discussion are paraphrased and condensed.

**Committee Business Summary:**

Hearing(s) & Date(s) Posted: Hearing on Supplementals,  
1/6/2001  
Executive Action: Crime Control Board Budget

**{Tape : 1; Side : A; Approx. Time Counter : 0}**

#### **EXECUTIVE ACTION ON BOARD OF CRIME CONTROL BUDGET**

**EXHIBIT** (jch06a01)

**Motion/Vote:** SEN. MOHL moved that **THE BASE LEVEL OF FUNDING PLUS STATEWIDE PRESENT LAW ADJUSTMENTS (TO INCLUDE DP 699-ADDED**

VACANCY SAVINGS) FOR THE BOARD OF CRIME CONTROL BE ADOPTED.  
Motion carried 7-0.

Motion/Vote: SEN. SHEA moved that DP1 BE ADOPTED. Motion failed  
3-4 with Callahan, Christiaens, and Shea voting aye.

SEN. SHEA asked for clarification on the DP 1 item. Lorene  
Thorson, LFD Staff, replied it would be general fund of \$5,839  
(2002) and \$5,422 (2003) with the remainder out of federal funds  
for a total of about \$70,000 each year for 2 FTE's.

Ms. Thorson explained DP 2 has been replaced with DP 12.

Motion/Vote: REP. PATTISON moved that DP 12 REPLACING DP 2 BE  
ADOPTED. Motion carried 7-0.

Motion/Vote: SEN. CHRISTIAENS moved that DP 3 BE ADOPTED. Motion  
carried 7-0.

Discussion followed by SEN. MOHL regarding the concern about  
lease payments going up for office space leased in private  
buildings.

SEN. CHRISTIAENS shared his concern about the same issue.  
CHAIRMAN FISHER suggested a letter be written to the Dept. Of  
Administration to voice this growing concern and possibly set up  
an interim committee to study the issue. SEN CHRISTIAENS will  
write the letter.

Motion/Vote: SEN. CHRISTIAENS moved that A LETTER BE WRITTEN TO  
THE DEPT. OF ADMINISTRATION REGARDING INCREASED LEASE AMOUNTS  
BEING PAID TO OUTSIDE SOURCES (NON-GOVERNMENTAL) FOR OFFICE  
SPACE. Motion carried 7-0.

Motion/Vote: SEN. ZOOK moved that DP 4 AND DP 5 BE ADOPTED.  
Motion carried 7-0.

Motion/Vote: REP. PATTISON moved that DP 6 BE ADOPTED WITH THE  
RECOMMENDATION OF THE LFD REDUCING DP 6 BY \$4,457 IN FISCAL 2002  
AND \$4,835 IN FISCAL 2003. Motion carried 7-0.

Motion: REP. PATTISON moved that DP 7 BE ADOPTED.

Discussion: Ms. Thorson stated DP 7 for the Juvenile Detention  
Program Coordination involved no new money but moved money from  
grants to operating expenses. This will put the Board in

compliance with the federal government requirements for administering the pass-through grant money.

**Motion/Vote:** REP. PATTISON moved that DP 7 BE ADOPTED. Motion carried 7-0.

**Motion/Vote:** SEN. CHRISTIAENS moved that DP 10 BE ADOPTED. Motion carried 7-0.

**CHAIRMAN FISHER** asked for further clarification on the new proposal DP 8, Enforcing Underage Drinking Laws Grant. This is to assist local governments in developing programs for enforcing underage drinking. **Mr. Oppedahl** stated these are federal grant funds for enforcing those programs. The Sheriff's Association has helped to get the grants out to the local law enforcement agencies in the past and has taken overtime payments for staff. It helps the law enforcement agencies by supplementing other monies. This grant is one year old and originated in the Department of Public Health and Human Services. **SEN. CHRISTIAENS** stated it is a good use of federal funds.

**SEN ZOOK** asked how the funds are accounted for and who monitors the use of the funds. **Mr. Oppedahl** responded use of the funds is through application to the Board from individual communities. **Mr. Don Merritt, Montana Board of Crime Control**, stated the MBCC took over the administration of this from the DPHHS. They had expended half of the money; however, another \$300,000 has already been awarded for future use. **REP. PATTISON** asked if all counties have requested funds from this. **Mr. Oppedahl** was not sure but the Board has asked help from the Sheriff's Department to get the information out and the applications made. Usually the grants to individual communities amount to \$6,000 to \$8,000 each. **SEN. CHRISTIAENS** stated communities can get great benefit, particularly in the mode of prevention, from a relatively small amount of grant money.

**Motion/Vote:** SEN. CHRISTIAENS moved that DP 8 BE ADOPTED. Motion failed 3-4 with Callahan, Christiaens, and Shea voting aye.

**SEN. CHRISTIAENS** commented in his opinion it is a waste not to accept federal funds. Someone will use these funds and it just as well be the State of Montana instead of Florida.

**Motion/Vote:** REP. CALLAHAN moved that DP 9 BE ADOPTED. Motion carried 7-0.

**SEN. CHRISTIAENS** stated language needed to be added in HB 2 as follows: "All remaining federal pass-through appropriations, including reversions, for the 2001 biennium are authorized to continue into fiscal year 2002 and fiscal year 2003.

**Motion: SEN. CHRISTIAENS** moved **TO ADD THE LANGUAGE FOR INCLUSION IN HB 2.** **Motion carried 7-0.**

**REP. PATTISON** suggested in regards to DP 12 that a crime victim serve on the task force by appointment. Mr. Oppedahl responded that would be appropriate and the Board would look into it. A copy of the current Victim Compensation Task Force was distributed.

**EXHIBIT(jch06a02)**

**Motion/Vote: SEN. MOHL** moved to **CLOSE THE BOARD OF CRIME CONTROL EXECUTIVE ACTION.** **Motion passed 4-3 with Callahan, Christiaens, and Shea voting no.**

**Mr. Oppedahl** asked if he could provide additional information to the committee on the Enforcing Underage Drinking Laws Grant (DP 8). **CHAIRMAN FISHER** replied that would be acceptable.

**{Tape : 1; Side : B; Approx. Time Counter : 0}**

**CHAIRMAN FISHER** announced the Military Affairs tour will leave from the south side of the Capitol at 7:30 on Thursday, January 11, 2001.

#### **SUPPLEMENTALS**

**EXHIBIT(jch06a03)**

**EXHIBIT(jch06a04)**

**CHAIRMAN FISHER** asked for discussion to the supplemental requirements to the budgets.

**Mr. Larry Fasbender, Deputy Director, Dept. of Justice,** gave a brief overview of the request. The request has been reduced by about \$141,000. These funds are for exempt staff that serve at the pleasure of the elected official. The Attorney General's office had 15 exempt staff during Attorney General Mazurek's term. Knowing those numbers would change as the Attorney General position changed, the cost was estimated high. The reductions reflect the new, more accurate figures saving the state the

\$141,000 due to a lesser amount of terminations. Only four positions were lost to termination or resignations.

**SEN. CHRISTIAENS** asked if this supplemental procedure would be used for all agencies. **Mr. Fasbender** replied it was his understanding that would be the case.

**CHAIRMAN FISHER** stated these numbers will be in HB 3 as he carries the bill forward to the Appropriations Committee. He thanked **Mr. Fasbender** for his information and clarification.

**SEN. ZOOK** and **SEN. CHRISTIAENS** felt this supplemental procedure was a more accurate way of projecting the budget figures.

**Motion/Vote:** **SEN. ZOOK** moved that **SUPPLEMENTAL INFORMATION OF \$41,632 GENERAL FUND, \$11,593 STATE SPECIAL REVENUE, AND \$892 OTHER FUNDS FROM THE ATTORNEY GENERALS OFFICE BE ADOPTED. Motion carried 7-0.**

**Motion:** **SEN. CHRISTIAENS** moved that **THE REVISED SUPPLEMENTAL INFORMATION FOR MILITARY AFFAIRS BE ADOPTED.**

**Discussion:** **Ms. Mary LaFond, OBPP,** stated on page 2 of HB 3, line item 16, \$18,251, can be eliminated as General Pendergast has been asked to stay by Governor Martz. This was to be his payout upon leaving.

**Motion/Vote:** **SEN. CHRISTIAENS** moved that **AN AMOUNT OF ZERO FOR THE MILITARY AFFAIRS SUPPLEMENTAL INFORMATION BE ADOPTED. Motion carried 7-0.**

**Ms. LaFond** stated the Dept. of Corrections has approached the budget office with supplementals and they are still working on it. The Budget office will be talking to the Committee later on it. They are currently not listed in HB 3. There was some discussion on what that amount might be but **Ms. LaFond** did not know at this time. **SEN. MOHL** asked to have a count of the prisoners currently at the State Prison to have on hand when this information comes before the Committee.

**SEN. CHRISTIAENS** stated there is to be a major adjustment in the Department of Natural Resources request in supplementals also.

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**ADJOURNMENT**

Adjournment: 9:50 A.M.

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REP. STANLEY FISHER, Chairman

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SANDRA WHITAKER, Secretary

SF/SW

**EXHIBIT** (jch06aad)